

OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR

ROY K. AMEMIYA, JR.
MANAGING DIRECTOR

GEORGETTE T. DEEMER
DEPUTY MANAGING DIRECTOR

October 10, 2016

The Honorable Ernest Y. Martin
Chair and Presiding Officer
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Martin and Councilmembers:

SUBJECT: Removal of Restrictive Covenants Relating to
Use of Lands at Aloha Stadium

In response to Resolution No.16-69, CD1, dated April 20, 2016, we submit for your favorable consideration the attached resolution approving the removal of restrictive covenants relating to the use of lands at Aloha Stadium.

We request your approval to remove the restrictive covenants relating to the use of lands at Aloha Stadium, identified as portions of TMK: 1-9-9-03:55 and 61, as set forth in the quitclaim deed dated November 30, 1970. The removal of the restrictions will allow the Stadium Authority to consider options in redeveloping an area surrounding the proposed rail transit station and promote transit-oriented development.

Should you have any questions, please call me at 768-4207.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kirk Caldwell", is written over a horizontal line.

Kirk Caldwell
Mayor

Attachment
APPROVED AS TO FORM AND LEGALITY:

A handwritten signature in blue ink, appearing to read "Donna Y.L. Leong", is written over a horizontal line.

Donna Y.L. Leong, Corporation Counsel *KL*
Department of the Corporation Counsel

APPROVED:

A handwritten signature in blue ink, appearing to read "Roy K. Amemiya, Jr.", is written over a horizontal line.

Roy K. Amemiya, Jr., Managing Director

MAYOR'S MESSAGE 110

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2016 OCT 11 PM 12:31



RESOLUTION

APPROVING THE REMOVAL OF RESTRICTIVE COVENANTS RELATING TO USE OF VARIOUS LANDS AT ALOHA STADIUM.

WHEREAS, the City and County of Honolulu (hereinafter "City") quitclaimed unto the State of Hawaii, all of its rights, title and interest in and to the real property consisting of 41.417 acres of land, by way of quitclaim deed dated November 30, 1970; and

WHEREAS, said real property, being portions of Tax Map Key Nos. 9-9-003:55 and 61, and further described in Exhibit A, which is attached hereto and by reference made a part hereof; and

WHEREAS, the quitclaim deed was subject to restrictions that the real property, together with all appurtenant facilities and improvements, be used and maintained as and for "a public stadium project", now known as the Aloha Stadium; and

WHEREAS, the quitclaim deed further restricted the disposal of any interest in the real property except in furtherance of said purpose; and

WHEREAS, the quitclaim deed provided that, in the event of any breach of said foregoing covenants, all right, title and interest in the real property, including any improvements, shall revert to and become the property of the City; and

WHEREAS, a rail transit station is planned at the Aloha Stadium lands as part of the City's rail transit project, and the Department of Planning and Permitting (hereinafter "DPP") has been working with the Stadium Authority and the community and identified the area as having real potential for new land uses and community amenities; and

WHEREAS, DPP is presently working with the Stadium Authority to prepare a Neighborhood Transit-Oriented Development Plan to facilitate redevelopment of lands in the vicinity of Aloha Stadium to create a more dynamic experience for residents, visitors, and area employees to include a dense mix of uses that support the community; and

WHEREAS, redevelopment of the area could require using lands at Aloha Stadium for uses such as residential and commercial uses to maximize the benefits of transit-oriented development for the people; and

WHEREAS, the State of Hawaii has indicated its desire to have the restrictive covenants from said real property removed; and



RESOLUTION

WHEREAS, by Resolution No. 16-69, CD1, dated April 20, 2016, the Council of the City and County of Honolulu supports the removal of the restrictive covenants limiting the use of the Aloha Stadium lands, as set forth in said quitclaim deed dated November 30, 1970; and

WHEREAS, the Mayor, with concurrence of the Corporation Counsel, has recommended to the Council to remove the restrictive covenants as set forth in the quitclaim deed dated November 30, 2016; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it hereby acknowledges and approves the removal of the restrictive covenants limiting the use of said real property at Aloha Stadium, as set forth in the quitclaim deed dated November 30, 1970; and

BE IT FURTHER RESOLVED that the Mayor, or the Mayor's designee, is hereby authorized to sign the Release of Deed Restrictions and other necessary documents; and



RESOLUTION

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Mayor Kirk Caldwell, Mr. Nelson H. Koyanagi, Jr., Director of Budget and Fiscal Services, Mr. Charles Toguchi, Chair of the Stadium Authority, and Mr. Scott Chan, Aloha Stadium Manager.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

Councilmembers